

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO: 08-019

v.

*

SECTION: "R"

MICHAEL F. HENRY

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FACTUAL BASIS

If this case was to proceed to trial the Government would present credible testimony and reliable evidence to prove the following facts beyond a reasonable doubt;

On December 13, 2007, Internal Revenue Service (IRS) Revenue Agent Deborah Arceneaux reported to Special Agent Gary Smith of the Treasury Inspector General for Tax Administration (TIGTA) of the Department of the Treasury, that she received information from United States Department of Justice Tax Division (DOJ Tax) Attorney L. M. concerning a threatening email Michael F. Henry sent to United States District Judge S. D. and DOJ Tax Attorneys M. K., K. R., and G. M. on December 12, 2007. Arceneaux provided TIGTA Special Agent Gary Smith a copy of the email.

In the email, Henry states, "Lastly let me make it perfectly clear that I will not allow anyone to steal 100,000 dollars of my money. All steps within or without the law will be taken to receive my lawfully owed money. And one thing is clear if a jury trial is held in the future, because the

plaintiff beat multiple members of the Government with baseball bats or shot them for stealing 100,000 dollars and falsifying Federal records, at least all of the conduct will finally be exposed in an open Court, and I am sure it will not be hard to find a very sympathetic crowd in Chicago when the jurors are told of deleting Federal Records perjury and tampering with evidence. At least one thing for sure the Trial will make daily headlines. Just think March 1, 2008 will be the three year Anniversary of the Killing of Judge Lefkows Family.”

Henry further states in the email, “The only protection the Plaintiff seems to have left is his rights under the Second Amendment of the Constitution. It seems unthinkable that the plaintiff would have to seek protection against Illegal seizure of his property by protective force Guaranteed by his right to bear arms... Government abuse and the failure of the Courts has created the situation that the underclass and middle class picks up and kills people at will because there is no protection from continued abuse from the Government. The Homicide yearly rate is averaging 25 murders per 100,000 people yearly. The Current population of the Country is in excess of 300 million. It equates to 75,000 Murders a year in this Country.”

Henry and the IRS have been involved in litigation in which the IRS is seeking approximately \$6,000,000 in delinquent personal income taxes. Henry has been disputing the IRS’s claim. IRS Revenue Agent Arceneaux conducted an IRS audit of Henry’s personal income. Arceneaux testified in a federal jury trial in the Eastern District of Louisiana concerning a civil lawsuit Henry filed against the IRS. In the lawsuit, Henry claimed the IRS owed him a larger income tax refund than what the IRS was allowing. A verdict was received in this case. As a result of this verdict, Henry began filing lawsuits against various Officers of the U.S. Government, claiming they engaged in misconduct and criminal violations by perjuring themselves, altering official documents, and

destroying official documents. Henry filed three (3) lawsuits in the Northern District of Illinois and one (1) in a State of Illinois Court against numerous Officers of the U.S. Government, including United States Judges, attorneys from the DOJ Criminal and Tax Divisions, and employees of the IRS. The lawsuit Henry filed in the State of Illinois Court was moved to United States District Court in the Northern District of Illinois. As a result of unfavorable rulings received by Henry in the Northern District of Illinois, specifically in December of 2007, Henry sent the threatening e-mail to government officials involved in the litigation

By sending the threatening email to officials of the U.S. Government, Henry intended to impede, interfere with, and retaliate against officials of the U.S. Government while those officials were engaged the performance of their official duties. Henry also, by communicating threats of force, endeavored to intimidate and interfere with Officers of the U.S. Government acting in their official capacity. Henry sent the threatening e-mail to those government officials who were directly involved in the litigation of his lawsuits.

The foregoing facts will be proven by the testimony of Special Agents of the Department of the Treasury, additional testimonial evidence, and other documentary evidence.

GREGORY M. KENNEDY (Date)
Assistant United States Attorney

CHARLES MARSHALL (Date)
Attorney for defendant

MICHAEL F. HENRY (Date)
Defendant